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ABSTRACT

This booklet presents three NCSS policy statements: 1) Academic Freedom and the Social Studies Teacher, 2) Academic Freedom: A Policy Statement, and 3) The NCSS Legal Defense Fund. The first statement includes guidelines for the study of controversial issues in the classroom and an outline of teachers' rights and responsibilities. It emphasizes the mutual interest of the school and the community in preserving a diversity of viewpoints. It also discusses possible threats to academic freedom which may involve the teacher himself, choice of educational materials, curriculum guidelines, or selection of visiting speakers. The second statement points up the importance of academic freedom in social studies and outlines a suggested procedure for handling complaints concerning social studies materials. A model form for complaints is included. The third statement, on the NCSS Legal Defense Fund, briefly describes the policy, control, and administration of the Fund; cases and form in which assistance may be granted; and eligibility of individuals. (RT)

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Academic Freedom:

NCSS Policy Statements

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Academic Freedom
and the Social Studies Teacher

Academic Freedom: A Policy Statement

The NCSS Legal Defense Fund

NATIONAL COUNCIL FOR THE SOCIAL STUDIES
A National Affiliate of the National Education Association
1201 Sixteenth Street, N.W., Washington, D.C. 20036

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Constitution of the National Council for the Social Studies,
Article I, Section 2.

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Academic Freedom: NCSS Policy Statements

Academic freedom is not just a passing concern for a teacher of social studies. For him it is the protection a free society offers so that he can seek truth with his students in some of the most controversial topics in the school curriculum. It is also the assurance a democracy gives to the teacher that the search for truth is indeed of value for the whole society, no matter what the short-term discomfort. This freedom is reinforced by the responsibility to insure every student his right to learn. It is also clear that such responsibilities place reasonable limits on the right to teach freely.

Academic freedom is closely related to the areas of the out-of-class activities of teachers, and to the application of due process in teacher dismissals.

Seven times in the past twenty years the National Council for the Social Studies has taken a strong position in defense of academic freedom.* Three of the NCSS policy statements — ***Academic Freedom and the Social Studies Teacher, Academic Freedom: A Policy Statement,*** and the most recent statement concerning the National Council's ***Legal Defense Fund Policies and Procedures*** — are presented in this booklet.

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* "The Treatment of Controversial Issues in the Schools," *Social Education,* Vol. XV, No. 5 (May, 1951), pp. 232-236; "Freedom to Learn and Freedom to Teach," *Social Education,* Vol. XVII, No. 5 (May, 1953), pp. 217-219; "Action to Uphold Freedom to Learn and Freedom to Teach," *Social Education,* Vol. XX, No. 8 (December, 1956), pp. 371-372, 374; "Resolutions Adopted by the House of Delegates," *Social Education,* Vol. XXIX, No. 3 (March, 1965), pp. 174-175; "Academic Freedom: A Policy Statement," *Social Education,* Vol. XXXI, No. 7 (November, 1967), p. 605; "Academic Freedom and the Social Studies Teacher," *Social Education,* Vol. XXXV, No. 4 (April, 1971), pp. 378-380, and in Vol. XXXIV, No. 4 (April, 1970), pp. 489-491; "The NCSS Legal Defense Fund," *Social Education,* Vol. XXXV, No. 4 (April, 1971), pp. 374-377.

Academic Freedom and the Social Studies Teacher

I. Preface

Democracy is a way of life that prizes alternatives. Alternatives mean that people must make choices. Wisdom with which to make choices can come only if there are freedom of speech, of press, of assembly, and of teaching. They protect the people in their right to hear, to read, to discuss, and to reach judgments according to individual conscience. Without the possession and the exercise of these rights, self-government is impossible.[1]

A teacher's academic freedom is his right and responsibility to study, investigate, present, interpret, and discuss all the relevant facts and ideas in the field of his professional competence. This freedom implies no limitations other than those imposed by generally accepted standards of scholarship. As a professional, the teacher strives to maintain a spirit of free inquiry, open-mindedness, and impartiality in his classroom. As a member of an academic community, however, he is free to present in the field of his professional competence his own opinions or convictions and with them the premises from which they are derived.

The democratic way of life depends for its very existence upon the free contest and examination of ideas. In the field of social studies, controversial issues must be studied in the classroom

[1] Committee on Academic Freedom, National Council for the Social Studies, "Freedom to Learn and Freedom to Teach," Social Education, Vol. XVII, No. 5 (May, 1953), pp. 217-19.

without the assumption that they are settled in advance or there is only one "right" answer in matters of dispute. The social studies teacher is obligated to approach such issues in a spirit of critical inquiry rather than advocacy.

The central issue in considering a teacher's fitness is the quality of his performance in the classroom and his relationship with his students. A teacher's personal religious, political, social, and economic beliefs should not be criteria for evaluating his professional competence.

Like any other professional or nonprofessional worker, the teacher should be free to organize with others to protect his interests and to join or not to join professional associations and unions for such purposes. Any attempt to prevent the establishment of such an organization, to hamper its activities or to discriminate against its members, is a serious infringement on the freedom of teachers.

In his private capacity the teacher should be as free as any other citizen to participate in political, religious, and social movements and organizations, and in any other lawful activity; and to hold and to express publicly his views. The fact that he is a teacher must not exclude him from activities open to other citizens; on the contrary, his position imposes on him the two-fold duty of advancing new and useful ideas and of helping to discard those which are outworn.

II. The Study of Controversial Issues

Freedom means choice. The democratic process is concerned with the ways in which individuals and groups in a free society grapple with problems, resolve conflicting opinions, and select among alternatives. Such decisions involve values and goals as well as procedures and facts.

It is the prime responsibility of the schools to help students assume the responsibilities of democratic citizenship. To do this, education must impart the skills needed for intelligent study and

orderly resolution of the problems inherent in a democratic society. Students need to study issues upon which there is disagreement and to practice analyzing problems, gathering and organizing facts, discriminating between facts and opinions, discussing differing viewpoints, and drawing tentative conclusions. It is the clear obligation of schools to promote full and free contemplation of controversial issues and to foster appreciation of the role of controversy as an instrument of progress in a democracy.

The study of controversial issues should develop the following skills and attitudes:

1. The desire and ability to study relevant problems and to make intelligent choices from alternatives.
2. The desire and ability to use rational methods in considering significant issues.
3. The willingness to recognize that differing viewpoints are valuable and normal.
4. The recognition that reasonable compromise is often an important part of the democratic decision-making process.
5. The skill of analyzing and evaluating sources of information — recognizing propaganda, half truths, and bias.

III. The Rights and Responsibilities of Teachers

The American academic tradition which stresses the free contest of ideas is at the very heart of curriculum development and classroom teaching. Hence, teachers have special rights and bear special responsibilities.

It is the right of teachers:

To participate in the development of curriculum and the selection of teaching materials.

To select for classroom study controversial issues related to the curriculum and appropriate to the maturity, and intellectual and emotional capacities of the students.

To have access to adequate instructional resources so that all sides of an issue can be presented adequately.

To call upon teaching colleagues, administrators and professional organizations for assistance and advice.

To have a written policy furnished by the local Board of Education which:

a) clearly states the right of students to learn and of teachers to teach
b) provides guidelines and safeguards for the study of controversial issues
c) details procedures for investigating criticism of the study of controversial issues
d) insures fair procedures and due process should complaints arise about materials or methods of instruction.

To teach in his area of academic competence without regard to his personal beliefs, race, sex, or ethnic origin.

To express his own point of view in the classroom as long as he clearly indicates it is his opinion and is willing to explain his position.

To work in a climate conducive to rational and free inquiry.

To have his professional competence in dealing with controversial issues judged with reference to the context within which any specific activity occurred.

To exercise his rights as a citizen including the rights to support any side of an issue or any candidate for public office, and to seek and to hold partisan and non-partisan public and professional positions.

It is the responsibility of teachers:

To insure every student his right to confront and study controversial issues.

To protect the right of every student to identify, express, and defend his opinions without penalty.

To establish with their students the ground rules for the study of issues within the classroom.

To promote the fair representation of differing points of view on all issues studied.

To insure that classroom activities do not adversely reflect upon any individual or group because of race, creed, sex, or ethnic origin.

To teach students *how* to think, not *what* to think.

To adhere to the written policy concerning academic freedom established by the Board of Education.

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To give students full and fair consideration when they take issue with teaching strategies, materials, course requirements, or evaluation procedures.

To exemplify objectivity in the search for truth, to demonstrate respect for minority opinion, and to recognize the function of dissent in the democratic process.

IV. Threats to Academic Freedom

Actions leading to a loss of academic freedom can be classified as those involving the teacher, educational materials, the curriculum, and resource personnel.

A. *The Teacher*

The academic freedom of the teacher may be abrogated by a number of situations.

Teachers may censor themselves in anticipation of possible negative reactions and avoid study of germane issues which are likely to generate controversy. They may react to attention, criticism, or pressures from the community at large or from their peers by becoming timorous. Such subtle withdrawal of the teacher from the battle of ideas is an abdication which diminishes the reality of academic freedom for all teachers.

Whenever opportunities for professional development are granted to some and denied to others in similar circumstances, the basis for decision may involve issues of academic freedom. That academic freedom is indeed the issue in any or all such cases should not be presumed. However, the obligation to scrutinize the procedures used, the basis for the decisions, and the validity of the procedures themselves to see if academic freedom has been breached must not be abdicated by responsible members of the academic community.

Even though an individual teacher may not protest, it is the responsibility of the profession to remain alert to possible infringements upon academic freedom. Loss of academic freedom by

one member of the profession diminishes the freedom of all.

Legislative and administrative investigations have a place in our decision-making processes when correctly used and when the basic rights of the individual are protected. However, proceedings which call upon the teacher to testify publicly about beliefs and past associations may have a coercive influence. In addition to pressures which may be brought to bear upon individuals, there are actions which endanger the entire academic community. These include legislative and administrative investigations which single out the teaching profession as a special group.

B. *Educational Materials*

The availability of adequate and diversified materials is essential to academic freedom. Selection, exclusion, or alteration of materials may infringe upon academic freedom. Official lists of supplementary "materials approved" for classroom use, school library purchases, or school book shops may also restrict academic freedom. Actively involving teachers in selection procedures based on written criteria to which all interested persons have access is an essential safeguard.

Because textbooks are the most common resource used in the classroom, there is a continuous struggle to control their selection. In states which use the "approved list" method of textbook selection, the school's freedom of choice is obviously limited. However, even in states which leave textbook selection to local districts, pressures from individuals or special interest groups may circumscribe freedom to teach and to learn.

C. *Curriculum and Content*

Subject matter selection strikes at the very heart of freedom in education. The genius of democracy is willingness to generate wisdom

through the consideration of the many different alternatives available. Any pressure which restricts the responsible treatment of issues limits the exercise of academic freedom. Similarly, the mandating of curriculum or content by legislative action or legally established agencies presents a potential threat to academic freedom. When such mandates are based on the prevailing political temper, parochial attitudes, or the passions of a specific point in time, they are especially dangerous.

D. *Visiting Speakers*

Visiting speakers, a valuable supplement to regular school programs, may be of specific persuasion and their topic may be controversial in nature. If they are prohibited from speaking because of their point of view, academic freedom is endangered. The process of selecting speakers, like that of evaluating other educational resources, should involve the participation of teachers.

V. How Academic Freedom Can Be Preserved

If the public is adequately involved in and informed about the operation of the schools, their objectives, and procedures, strong support for academic freedom can be maintained. Teachers must, therefore, establish and utilize clear lines of communication with their students, and community and the media. When, however, the media serve as vehicles for attacks on academic freedom, the academic community should respond.

Academic freedom, like the freedoms of speech, press, and religion, is not absolute. Although educators have the primary responsibility for the teaching and learning process, they are not the only members of the community interested in or responsible for quality education. All criticism of schools is not necessarily unfair, undemocratic, or an attack upon academic freedom. Attempts

to influence policy decisions as to what and how students learn and what and how they are taught are legitimate. These attempts must not, however, infringe upon the rights of others nor preempt the professional responsibilities of the teacher.

Many issues can be resolved by informal procedures. However, academic freedom, like all other freedoms, is safeguarded by established, orderly, and fair procedures for the resolution of disputes. It is fundamental that all charges must be substantiated and that the burden of proof rests upon the accuser. The accused must be informed of all charges and evidence against him and be given full opportunity to respond. Nontenured teachers and student teachers should be given the same considerations as are their established colleagues when questions concerning academic freedom are raised.

When academic freedom is threatened, local support should be sought. Citizens in the community and local organizations or affiliates of national organizations have the primary interest and responsibility for protecting education in their communities. The PTA, local law schools, local and state colleges and universities, and the State Departments of Education are among the sources of local support. Furthermore, when an issue of academic freedom arises, securing legal or competent extra-legal advice is an essential step in guarding against a possibly unfair resolution of the problem.

If local support is ineffective or inadequate, assistance from national sources should be sought. There are many national organizations that are interested in preserving academic freedom as well as in improving the quality of the schools. In addition to the National Council for the Social Studies, they include:

1. American Association of School Librarians
2. American Association of University Professors

3. American Bar Association
4. American Civil Liberties Union
5. American Federation of Teachers
6. American Historical Association
7. American Library Association
8. National Council of Teachers of English
9. National Education Association

These suggestions are not intended to be exhaustive, but rather to indicate that a person under attack is not alone and that there are sources available from which assistance may be obtained.

Academic freedom is neither easily defined nor can it always be protected. Documents such as this, while valuable as a guideline, do not presume to constitute sufficient guarantees. Only continuing concern, commitment, and action by teachers, administrators, school boards, professional organizations, students, and the citizenry can insure the reality of academic freedom in a changing society.

Prepared by the Academic Freedom Committee of the National Council for the Social Studies*

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William Hartman, 1965, '66, '67
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Academic Freedom: A Policy Statement

Prepared by The Academic Freedom Committee of the National Council for the Social Studies and approved by the NCSS Board of Directors in 1967.*

Social Studies Materials in the Free Marketplace of Ideas

A diversity of points of view is essential to education in a democracy. Among the many reasons for this position are: (1) The "Free Marketplace of Ideas" is the source of raw material from which social and economic progress is created. All positions should be heard so that the best may be chosen. (2) Students should have an opportunity to consider and evaluate differing points of view in the classroom.

Therefore, it is incumbent upon every school administrator and social studies teacher to be vigilant in detecting encroachments upon diversity of viewpoints in the classroom and to be prepared to challenge successfully such threats.

It is recognized that citizens of a community have the right to examine and criticize school materials. In order to assist school personnel in handling complaints concerning social studies materials, procedures based on due process are recommended.

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* Richard Perchlik, *Chairman;* William M. Hering, Jr., *Associate Chairman;* William F. Eagan; Joyce Fadem; William Hartman; Charles Hirsh; Gregg Millett; Robert Newman; Seymour B. Stiss; Charles D. Tanzer; Irma Warta; Philmore Wass; John Yee.

A Suggested Procedure for Handling Complaints Concerning Social Studies Materials

1. All criticisms or challenges of materials should be received courteously. The critic should be thanked for his or her interest in the education of the community's children. The name of the complainant should be requested.

2. If the complainant identifies himself, he should then be informed that a procedure has been established and a "Request for reconsideration of materials" form must be completed and submitted. A form letter outlining the school policy should be available with a "Request" form attached. The need for obtaining specific information should be emphasized as essential to a speedy resolution of the complaint or the problem.

3. After the written complaint is formally received, a responsible administrator should consult with the teacher concerned, check the material, and make a judgment. The official position of the school should be explained to all parties concerned.

4. If the administrator feels that there may be a serious public reaction or that there is some validity to the complaint, a committee should be formed to study and consider the formal complaint. At this point, the teacher and the complainant should be invited to participate in the committee meetings. It is advisable to create a standing committee to investigate complaints.

5. If the committee report does not end the criticism, the superintendent should be appraised of the situation and urged to issue a statement in the defense of the committee decision.

6. Establish policy: It is recommended that the above procedure and the following suggested model of a request form be submitted for adoption by NCSS members to their respective boards of education.

See next page for Suggested Model

SUGGESTED MODEL

Request for Reconsideration of Social Studies Materials
Type of material (book, film, pamphlet, etc.):
Title of material:
Author (if known):
Publisher:
Date of Publication:
Request initiated by (name, address, phone number):
Do you have a child in school concerned?
Complainant represents: (himself)
(organization—name)
(other group—identify)

1. To what in the material do you object? (Please be specific. Cite words, pages, and nature of content.)
2. Why do you object to this material?
3. Are you acquainted with the range of materials being used in the school system on this general topic?
4. Do you approve of presenting a diversity of points of view in the classroom?
5. What would you like your school to do about this material?
   (a) Do not expose or assign it to my child.
   (b) Withdraw it from all students as well as my child.
   (c) Send it back to the appropriate school department for reevaluation.

Signature of Complainant:
Date:

The NCSS Legal Defense Fund

Background Information

Prompted by two trends — one, a growing body of legal precedent which is beginning to guarantee and define constitutional rights for public school teachers; and two, an increasing number of actions against teachers resulting from changing times and the fear of changing content, new materials, and new methods — the National Council for the Social Studies has taken action to put teeth into its most recent statement in support of due process and academic freedom for social studies teachers. The Council has established a Legal Defense Fund to provide money for legal aid to a social studies teacher who is faced with an action against him which involves due process and academic freedom. The Fund is presently small and is not intended to replace the larger sources of help such as the DuShane Fund or the American Civil Liberties Union. What the NCSS Legal Defense Fund seeks to do is act as a "first line of defense" by providing a teacher in trouble with a grant to pay the initial fee of a lawyer. The thinking behind this is that many unjust actions might be prevented if school administrators and school boards had to deal immediately with legal counsel. The teacher applying for a grant must meet certain conditions. First, the case must fit within the broad categories of academic freedom as defined by NCSS, or constitutional rights of due process and free speech. Second, the social studies teacher must fill out an application form. Third, the teacher must hire legal counsel that is agreeable to NCSS. This con-

dition was established because many cases that might add to the growing body of legal precedents are ruined by being handled poorly in the first instance. In the long run, it will be a body of legal precedents that protects teachers' rights to seek truth with their students.

The establishment of the NCSS Legal Defense Fund was approved by the NCSS Board of Directors on November 23, 1970. The Fund is to be built from voluntary contributions.

Policy, Control and Administration

A. NCSS Board of Directors establishes policy for the Fund and may modify these guidelines as circumstances demand.

B. The Defense Fund Committee, appointed by the Board, establishes procedures for the operation of the fund, acts upon requests for assistance, implements the policies established by the Board, and may make recommendations to the Board on policy changes.

C. A party requesting assistance may appeal a decision of the Defense Fund Committee to the NCSS Board of Directors.

D. The Defense Fund Committee may not commit the Fund to an expenditure for assistance in excess of $250.00. Any larger requests must be approved by the NCSS Board of Directors.

E. Grants for financial assistance are contingent upon actual money in the Defense Fund.

Cases and Form in Which Assistance May Be Granted

A. The specific purpose of grants of assistance is to guarantee each member of NCSS the right to be represented by legal counsel in any case involving his legal and professional rights and responsibilities to educate the young.

B. The forms of assistance provided by the Fund include:

(1) Initial payment of $100.00 for billed legal services;

(2) A supplemental payment not to exceed $150.00 for billed legal services;
(3) Advice on obtaining appropriate legal counsel.

C. The above forms of assistance may be granted to a teacher of social studies who has been or is threatened with adverse action related to his employment as the result of matters arising from professional conduct related to:

(1) Academic freedom as defined in the NCSS policy statement "Academic Freedom and the Social Studies Teacher," adopted in November, 1969, in Houston, Texas;
(2) Constitutional rights of free speech as they apply to teachers;
(3) Constitutional rights of due process.

Eligibility of Individuals

A. The individual is a member of NCSS or his case will be precedential and beneficial to all social studies teachers.

B. The individual is or will be represented by a legal counsel who is agreeable to NCSS.

C. The individual completes the Application for Financial Assistance.

For application forms write or call:

NCSS Legal Defense Fund
National Council for the Social Studies
1201 Sixteenth Street, N.W.
Washington, D.C. 20036
(202) 833-4476

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